UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/79/Add.10
28 December 1992

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

SENEGAL

1. The Committee considered the third periodic report of Senegal (CCPR/C/64/Add.5) at its 1179th, 1180th and 1181st meetings, held on 20 and 21 October 1992, and adopted* the following comments:

A. Introduction

2. The Committee expresses its appreciation for the State party's third periodic report which had been prepared in accordance with the Committee's general guidelines and shows progress in implementing the provisions of the Covenant. At the same time, the Committee finds that the report focuses on laws and administrative regulations rather than on the actual implementation of the Covenant's provisions and contains little information on factors and difficulties encountered in their application. In its comprehensive replies to the questions raised by Committee members, however, the delegation has endeavoured to complement the written report. The information, both written and oral, provided by the State party has enabled the Committee to make a realistic assessment of the human rights situation in Senegal.

* At the 1203rd meeting (forty-sixth session), held on 5 November 1992.

B. Positive aspects

3. The Committee takes note with satisfaction of the progress that has been achieved in the implementation of Covenant provisions in Senegal. Among the positive developments aimed at strengthening the protection of human rights that has occurred since the consideration of the second periodic report in 1987 the Committee notes, inter alia, the adoption of new legislation or legislative amendments more in accordance with the Covenant such as the reorganization of the judicial branch, particularly the establishment of the State Council, the Supreme Court and the Constitutional Council, the abolition of the State Security Court, and the creation of the post of Mediator. The Committee also notes the adoption of a new Electoral Code; the application, for the first time, of certain provisions contained in the Covenant by the national courts; and the careful consideration that had been given by the Government of the State party to the comments and recommendations formulated by the Committee during consideration of the second periodic report.

C. Factors and difficulties impeding the application of the Covenant

4. The Committee notes that during the period under review, a state of emergency was proclaimed that affected the southern part of Senegal (région de Casamance), and that several of the rights covered by the Covenant were derogated from. In addition, the persistence of certain customs and the existence of outmoded legislation, hinder Senegal's full compliance with its obligations under the Covenant.

D. Principal subjects of concern

5. The Committee does not agree with the Government's contention that the Covenant's provisions must be interpreted and applied against the background of the conditions prevailing in the country. Rather, it believes that all efforts should be made to bring those conditions into conformity with internationally agreed human rights standards. It finds that certain provisions of penal legislation are not in conformity with article 6 of the Covenant, especially in respect of the application of the death penalty to minors, or with article 9 of the Covenant, particularly in so far as they allow detainees to be kept incommunicado during the first eight days following arrest and deprived of access to a lawyer for the period of arrest. The passiveness of the Government in conducting timely investigations of reported cases of ill-treatment of detainees, of torture and of extra-judicial executions is not consistent with the provisions of articles 7 and 9 of the Covenant. To achieve full compliance with article 4 of the Covenant, greater efforts are also needed to ensure the proper protection of human rights under a state of emergency. The Committee considers that amnesty should not be used as a means to ensure the impunity of State officials responsible for violations of human rights and that all such violations, especially torture, extra-judicial executions and ill-treatment of detainees should be investigated and those responsible for them tried and punished. Furthermore, the Committee is concerned about remaining areas of discrimination against women.

E. Suggestions and recommendations

6. The Committee recommends that laws relating to states of emergency, the protection of the right to life and the death penalty, forced labour, the treatment of detainees and their access to a lawyer and freedom of expression - particularly restrictions imposed on the exercise of this right by the journalists - be brought into conformity with articles 4, 6, 8 and 19 of the Covenant, respectively. The proclamation of any state of emergency must be notified to the Secretary-General of the United Nations in a timely manner. Efforts should also be made to remove social barriers in order to ensure the real equality of men and women. The Committee also recommends that training courses should be organized for members of the police, the army and the security forces as well as for other law enforcement officials so as to better acquaint them with the basic principles and norms of human rights and laws aimed at their protection.